

Testimony of State Superintendent Linda McCulloch
 To the U.S. Department of Education
 Title I Compliance Hearing
 December 10, 2001
 Montana State Capitol

- Good Afternoon, Dr. Stevenson and Dr. Beach.
- Welcome to Montana, the Big Sky Country! And, to our newly renovated Capitol, of which we are very proud.
- I am Linda McCulloch, the Montana State Superintendent of Public Instruction. The Montana Office of Public Instruction (which will be known throughout my testimony as OPI) appreciates this opportunity to address our request to enter into a Compliance Agreement with the United States Department of Education in order to meet the requirements of Title I of the Elementary and Secondary Education Act. I was elected last year to serve a four-year term as Montana's State Superintendent, commencing January 2, 2001, and I look forward to working with the Department to bring Montana into compliance with Title I. Prior to my election to this office, I was an elementary teacher and school library media specialist and served as a Montana State Legislator during the 1995, 1997, and 1999 legislative sessions.
- At this time, I'd like to introduce members of my staff present at today's hearing. Some of them you may know by telephone, mail or email.
 - Bill Cooper, Deputy Superintendent of Public Instruction
 - Nancy Coopersmith, Assistant Superintendent of OPI
 - B.J. Granbery, Division Administrator for Educational Opportunity and Equity, which includes the Title I Program
 - Madalyn Quinlan, OPI Chief of Staff
 - Jeff Weldon, Chief Legal Counsel for OPI
 - Joe Lamson, Communications Director for OPI
 - Judy Snow, Assessment Director for OPI
 - Bob Runkel, Division Administrator-Special Education
- Breathe easy, all these folks will not be testifying today at our hearing. I will be presenting the testimony from the OPI.
- We thank the Department for the diligence, recommendations and clarity of the peer review teams that have reviewed the previous work submitted by the Montana OPI.
- Our further gratitude is extended to Dr. Mitzi Beach and Dr. Grace Ross for their expertise and tireless assistance in supporting our preparation for this hearing and the work that we are undertaking to bring our state into full compliance with the Title I Legislation.

- The greater value of Montana's Title I compliance will be the educational opportunities provided to the children of this state and the school districts of Montana to increase the achievement of all students and the high quality of the educational programs accessible in all our schools. Our Montana schools and students are, indeed, among the very best in the country when it comes to any NAEP test scores, the Iowa Test of Basic Skills, and, the ACT test. Our Montana educators are the best in the country – we know that because just about every other state in the U.S. comes here to recruit our teachers, administrators and teacher education graduates.
- My testimony today will focus on two points:
 1. The reality that it is not feasible for Montana to come into full compliance now, and
 2. The actions that must be completed in order to bring Montana into full compliance by 2004.
- It is not feasible for Montana to immediately come into full compliance with the Title I assessment requirements. This determination is a preliminary step to enable Montana and the US Department of Education to enter into a compliance agreement setting down the tasks, the timelines and the deliverables that will bring Montana into full compliance with Title I assessment requirements within three years of the date of executing the compliance agreement.
- To determine that it is not feasible for Montana to come into compliance now, I ask you to consider these facts.
- The first fact is that the 1995 Montana State Legislature prohibited OPI from using the elder President Bush's Goals 2000 federal funds intended for state-level development of standards and assessments. This work was already underway when the legislative action halted OPI's efforts. Although Montana school districts were ultimately allowed to receive Montana's entire share of Goals 2000 funds, the Montana OPI, unlike other state educational agencies, was denied access to these funds. Therefore, in 1995 our capacity to establish an appropriate federal assessment system aligned to standards was severely damaged and delayed.
- The second fact that I ask you to consider is that without the Goals 2000 funds to work with, and no replacement funds from the 1995 Legislature, OPI was forced to wait until the 1997 Legislative session (which occurs January through April every other year, on odd numbered years) to request state funds to do standards and assessment development. Of the \$1.1 million requested by OPI, the Legislature funded only \$350,000 to develop reading and math standards and develop a statewide education profile. With these funds, we were able to develop, as directed by the Montana Board of Public Education, reading and math content standards and performance descriptors by October 1998, fulfilling that Title I requirement on time. After completion of the reading and math standards, performance descriptors, and the state education profile, no funds were left for development of an assessment system.

- The third fact I ask you to consider is that the 1999 Legislature appropriated an additional \$790,267 for finishing the standards development in all the remaining program areas of science, social studies, literature, writing, speaking and listening, media literacy, library media, health enhancement, technology, career and vocational/technical education, world languages, and workplace competencies. From the total available, the legislature authorized that a single norm-referenced test be purchased and implemented. A total of \$250,000 was available for the assessment.
- As a result of the small amount of funds Montana had to work with, an RFP (Request for Proposal) was issued in late 1999 and awarded in 2000 to Riverside Publishing for the new Iowa Tests of Basic Skills, Form A (or ITBS) at grades 4 and 8, and the new Iowa Tests of Educational Development, Form A (or ITED) at grade 11. The first administration of the new norm-referenced tests occurred in March 2001. Although it was known that an off-the-shelf, norm-referenced test alone would not meet the Title I requirements for assessments, we could not afford a custom designed test. Just by way of comparison, other states surrounding Montana have had the following amounts to utilize for assessments:
- Wyoming – Prior to 1998-99: \$200,000 per year for planning and development;
 - Starting with 1998-99: \$1.65 million per year for external contract and \$200,00 per year for department staff and associated costs for a total over the four-year period including 2001-2002 of \$7.4 million.
- North Dakota – Prior to 2001: \$400,000 to \$450,000 per two- year period;
 - Starting with 2001: \$1.2 million for the current two-year period to come into Title I compliance under a timeline waiver from the US Department of Education
- South Dakota – Current year funding for assessment contract: \$650,000 for an on-line computerized testing system
- Idaho – \$8 million recently approved by Legislature for standards and assessments
- Since we could not afford a custom designed test, our plan was for the more immediately affordable Iowa Tests to comprise only one component of the assessment system needed to meet the Title I statutory requirements. The next component or Phase 2 of the system, again required by federal Title I legislation, would have added an additional assessment, such as a criterion-referenced test and other items or additional “multiple measures” in reading and math, as necessary to complete alignment to the Montana content standards in reading and math.
- The fourth fact I’d like you to consider is that the 2001 Legislature did not approve at any level OPI’s request for the necessary funds to work on Phase 2 of the assessment system. Indeed, the Legislature also denied our request for funding to pay the second and third

years of our Riverside contract for the Iowa Tests. No funds were approved for School Improvement, Title I requirements or assessment by the 2001 Montana Legislature.

- These four facts establish that the Montana Office of Public Instruction has lacked the resources necessary to come into compliance with federal Title I requirements. To say it as bluntly as I can: Our Legislature has neglected to support your requirements with the necessary funding.
- Therefore, it has been financially impossible for our office to come into full compliance with the Title I assessment requirements. I respectfully request that you receive and review Montana's draft compliance action plan and timeline for the purpose of approving it, and using it as the basis for executing a compliance agreement between the US Department of Education and the Montana Office of Public Instruction, representing Montana's 152,000 school children.
- I am not sure how other states approach this type of hearing and action, but it is my firm belief that this is not a problem created by the Office of Public Instruction, and as such, should not be dealt with isolated in a vacuum. At my direction, the Office of Public Instruction sent out both the information pertaining to this hearing from your office and a cover letter from me, to all Montana school districts and superintendents, county superintendents, Montana Legislators, statewide media, statewide associations affiliated with education, and others interested in K-12 education. These groups, working together with the Office of Public Instruction, is the only way we can solve these significant assessment issues before us here today. And, we must solve them for the benefit of our Montana students. Frankly, we cannot afford a loss of \$28 million -- that money is used to help our most needy students in our most needy schools. It is my personal opinion that it is not the intent of President Bush, Secretary of Education Rod Paige, or the US Congress that our most needy students should directly suffer because a state education agency has been forced into noncompliance of Title I legislation.
- As I stated earlier, I was both a Legislator and a practicing teacher during the time the Legislature rejected the elder President Bush's Goals 2000 program monies and either did not fund, or funded at a very small amount, monies to accomplish the school improvement efforts required by the federal Title I legislation. I knew at the time that we were headed down a very slippery slope at break-neck speed. I did my level best to argue the consequences of lack of appropriation, but I was only one voice and only one vote.
- I must be honest, when I, as the State Superintendent, began looking into this compliance agreement, I meticulously looked into how the school improvement monies were spent -- not because I particularly wanted to find someone in which to point blame, but I was hoping that there would be some "wiggle room" with monies, some more efficient ways to get the job done, some ways we could cut corners and still accomplish the task to both the satisfaction of your Department and to the benefit of Montana's school children. Instead, I am in awe of what has been accomplished with very little funds, especially when compared to the states located around us. It is indicative of educators in Montana that we "get the job done," often with very little fuss or compensation. We want what's

best for our students. And then we blame ourselves when it is impossible to do something for our kids due to factors beyond our control. It is our strong work ethic that causes those other states to come to Montana to recruit our educators.

- On to the second question of this hearing -- “Whether the Montana OPI can come into full compliance within three years” – I offer the following for your consideration.
- In conjunction with presenting evidence of the Action Plan for Title I Compliance to make the determination that the Montana OPI can come into full compliance, I will present the major steps of the action plan and explain how the MT OPI will pay for these steps.
- The Montana OPI will use federal funds from the following sources to provide an assessment system for Title I only. This means the complete system we will provide will apply only to Title I selected students at grades 4, 8, and 11 in Title I schools for reading and math. It will apply to all students in grades 4, 8, and 11 in school-wide programs in which all students in the school are eligible to receive the benefits of Title I due to 50 percent or higher poverty in the school population. The reason the system will be only for these Title I schools, is that the Title I funds that we will be using cannot be used for an assessment system for all students.
- The funds that we will use are the following:
 - The first source is a one-time special federal appropriation of \$225,000 under ESEA Title II, for the purpose of helping states comply with the standards and assessment requirements of Title I. Of this amount, \$120,000 plus other miscellaneous federal carryover funds, will be used to pay for the Iowa Tests to be given to all students in grades 4, 8, and 11 in March 2002. As you recall, the 2001 Montana Legislature did not approve any funds for statewide assessment. It is my firm belief that, if at all possible, school districts need to receive help to defray the costs of yearly assessments. Even though the responsibility lies with the Montana State Legislature to appropriate these funds, this is one time that my office can help out our schools in Montana. The remaining \$105,000 will be used toward first-year costs in obtaining the Title I only system.
 - In addition, \$100,000 carryover in the Title I administrative set aside and \$95,000 in current year Title I administrative funds, will be used. Since this amounts to one-quarter of our annual Title I administrative set-aside, this added burden prevents the OPI from providing workshops, materials, and assistance to Title I teachers and aides as we have in the past. Each year Montana teachers let us know how valuable this service is to them and their students. Before becoming State Superintendent, I heard this often from the Title I teacher in my school district. To compound this, the OPI will not be able to fill two positions, and therefore, we will not be able to respond as quickly to phone calls and email requests, approve district carryover, reallocated applications, and supplemental allocations as quickly. In addition to the funds above, \$25,000 from federal Special

Education funds will complete the amount available in the first year for a total of \$325,000.

- In the second and third years, the Title I administrative set aside will contribute \$125,000 each year or about one-third of the set-aside total, and Special Education federal funds will contribute \$25,000 each year for a total of \$150,000 each year. The total available over the three-year period to carry out our action plan is \$625,000 from these federal sources. This is \$625,000 that will not be available to assist teachers with services that help them be more effective in their classrooms, serving our Montana K-12 students.
- I'd like to present the major steps, as recommended by your Department on November 30, 2001, in our action plan for compliance. The first step will be to select an existing, already developed criterion-referenced test, or CRT, by April, 2002. To do that we will be examining the tests of other states with already approved assessments whose content standards in reading and math most closely align with Montana's content standards in reading and math. We will seek price quotes from these other states to which the above alignment criteria apply and determine if a reasonable and affordable option exists. Concurrently, we will be issuing an RFP to which commercial vendors with existing CRT's, either paper and pencil or computerized, on-line tests may respond. We will also continue to administer the norm-referenced Iowa Tests, or NRT, and the Alternate Assessment Scales as scheduled in March, 2002. We will pursue validation and technical studies to produce a technical manual for the Alternate Assessment Scales between April 2002 and November 2003.
- After the new CRT is selected, an alignment study will be designed and conducted utilizing partial assistance from the Northwest Regional Educational Laboratory. First year funds I outlined earlier will also support the study. The study will examine both the Iowa Tests and the new CRT to determine where gaps in alignment exist. The study will be conducted in May and June of 2002 with the report identifying gaps to be completed during July and August of 2002.
- From September through December of 2002, additional items will be developed to fill the gaps. For some standards that may not be measurable by multiple-choice items, open-ended, constructed response, or performance tasks may need to be developed. We will work with Montana school districts and others who have been constructing assessments that may work to fill this need.
- New item try-outs would be done in January and February of 2003 and the entire new CRT, including the added new items, will be piloted in April 2003. Again, this is for Title I schools only. From May 2003 through December, 2003, needed adjustments, a study to detect cultural bias, and further adjustments as necessary will be made. Reliability and validity studies for the new CRT, including added items will be conducted during this same time period. The first full administration of the new CRT with added items will be in April, 2004. During the summer of 2004, performance standards will be completed by establishing levels on the CRT for Montana's proficiencies of Novice, Nearing Proficiency, Proficient and Advanced. All required reports with all required

components and disaggregations would be disseminated during the Fall of 2004. The complete system will be submitted to the U.S. Department of Education for peer review in October 2004. Various sections will be submitted earlier as they are completed as indicated in the action plan.

- Based on the facts and the plan we have presented today, the Montana OPI requests consideration of a compliance agreement that we are committed to actualize as soon as possible but in no longer than three years. We look forward to your assistance in achieving this goal. We particularly appreciate the offer by Assistant Secretary Susan B. Neuman to assist in providing information to future Montana Legislatures regarding this critical assessment work.
- We thank you, Dr. Stevenson and Dr. Beach, for this opportunity to present our evidence. I hope you enjoy your brief time in Montana. It would be a shame to come this far and not experience the beauty and magic of our wonderful state. Next time you get to Montana, I would be pleased to have you visit some of our schools and see first-hand the top-notch education system we have in Montana.